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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,490	07/26/2001	Donald France	2051/00002	6270
Morris Liss 7590 Connolly Bove Lodge & Hutz LLP P.O. Box 19088 Washington, DC 20036-0088			EXAMINER HAVAN, THU THAO	
			ART UNIT 3695	PAPER NUMBER
			MAIL DATE 07/28/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

09/912,490

**Applicant(s)**

FRANCE ET AL.

**Examiner**

THU-THAO HAVAN

**Art Unit**

3695

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-2, 4-6, 13-14, and 17-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-6, 13-14, and 17-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

**Detailed Action**

***Response to Amendment***

Claims 1-2, 4-6, 13-14, and 17-18 are pending. This action is in response to the remarks received February 17, 2009.

***Response to Arguments***

Applicant's arguments with respect to claims 1-2, 4-6, 13-14, and 17-18 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 4-6, 13-14, and 17-18 are rejected under 35 U.S.C. 102(e) and (b) as being anticipated by non-patent literature in the website of [www.valottery.com](http://www.valottery.com) (hereinafter VaLottery).

Re claims 1 and 6, VaLottery teaches a method for selectively entering lottery entries into a state lottery drawing, administered by a state lottery agency, via an

internet web site, the method comprising the steps of: receiving user access at the home page of the web site (homepage of [www.valottery.com](http://www.valottery.com));

querying users for their sign-in identification to establish whether they are pre-registered user members or non-members; presenting pre-registered user members with a choice of member functions and content including providing access to a subscription purchasing service; presenting non-members with a choice of non-member functions and content (see the command box "subscribe"); and

communicating selected information to the state lottery agency, wherein the choice of member functions and content presented to pre-registered user members further comprises accessing a member's account for selectively determining a current balance, customer service options, history of wins and losses, and subscriptions for play that are currently active, wherein the history of wins and losses is illustrated by calculated statistical percentages, wherein confidential addiction counseling is provided at least through a self-check quiz and addiction risk ranking function, and wherein the subscription purchasing service provides members with an ability to subscribe to at least one of a game and a list of games (see the link "gambling problem" at the bottom of the homepage of the website [www.valottery.com](http://www.valottery.com)); and

select and play a list of various number combinations in at least the one game and the list of games (see the link "fast play games" in the homepage of the website [www.valottery.com](http://www.valottery.com)).

Re claim 2, VaLottery teaches member choice of functions and content include depositing funds into the members' pre-established accounts; and permitting the

members to select an offered lottery game to play after a choice is made as to payment thereof (see the command box "subscribe").

Re claim 4, VaLottery teaches non-member's choice of functions and content includes the establishment of an account for future play (see the command box "subscribe").

Re claim 5, VaLottery teaches common functions and content for members and non-members selectively includes accessing information concerning: the web site, gambling addiction, and descriptions of the games that may be played (homepage of [www.valottery.com](http://www.valottery.com)).

Re claim 13, VaLottery teaches subscription service provides for lottery entries of an amount and frequency selected by the user (see the command box "subscribe").

Re claim 14, VaLottery teaches subscription purchasing service provides for lottery entries of a predetermined amount and frequency (see the command box "subscribe").

Re claims 17-18, VaLottery teaches presenting both members and non-members with a choice of common functions and content (homepage of [www.valottery.com](http://www.valottery.com)).

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The examiner can normally be reached on Monday-Friday from 6am-2pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Kyel can be reached on (571) 272-6746. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct-uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

/Thu Thao Havan/  
Primary Examiner, Art Unit 3695